

FILED

May 17, 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: CR
Deputy

UNITED STATES OF AMERICA,

Plaintiff,

v.

(1) MARTIN EDGAR GARZA
PACHECO,

Defendants.

§ CRIMINAL NO. **DR:23-CR-01360-AM**

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INDICTMENT

[COUNT ONE: Conspiracy to traffic
firearms, 18 U.S.C. § 933(a)(1) and (b);
COUNTS TWO & THREE: 18 U.S.C. §
932(b)(1) and (c), Straw Purchase of a
Firearm; COUNTS FOUR & FIVE: 18
U.S.C. § 922(a)(6) and 924(a)(2), False
Statement During the Purchase of a
Firearm.]

FORFEITURE

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § 933(a)(1) and (b)]

Between or about September 27, 2022, and continuant through on or about April 14,
2023, in the Western District of Texas, Defendants,

MARTIN EDGAR GARZA PACHECO,

did knowingly conspire and agree together and with persons known and unknown, to ship,
transport, transfer, cause to be transported, and otherwise dispose of one and more firearms,
including but not limited to:

- 1) a Smith & Wesson M&P 380 Shield EZ (S/N: NLZ1851),
- 2) a Smith & Wesson M&P 380 Shield EZ (S/N: RHA0307),
- 3) a Glock Model 44 (S/N: AHCU100),
- 4) a Glock Model 42 (S/N: AHFZ000),

5) a Glock Model 44 (S/N: AHCX575),

6) a Glock Model 42 (S/N: AHFZ399),

to another person, in and affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of a firearm by the recipient would constitute a felony, in violation of Title 18, United States Code, Sections 933(a)(1), (a)(3), and (b).

COUNT TWO

[18 U.S.C. § 932(b)(2) and (c)]

On or about March 10, 2023, in the Western District of Texas, Defendant,

[REDACTED]

did knowingly purchase a firearm, to wit: a Glock Model 44 .22 caliber handgun (S/N: AHCU100), in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of Martin Edgar Garza Pacheco, knowing or having reasonable cause to believe that Martin Edgar Garza Pacheco intended to use, carry, possess or sell or otherwise dispose of the firearm in furtherance of a felony by unlawfully transporting said firearm into Mexico, in violation of Title 18, United States Code, Section 932(b)(2).

COUNT THREE

[18 U.S.C. § 932(b)(2) and (c)]

On or about April 14, 2023, in the Western District of Texas, Defendant,

[REDACTED]

did knowingly purchase a firearm, to wit: a Smith & Wesson M&P 380 Shield EZ (S/N: NLZ1851), in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of Martin Edgar Garza Pacheco, knowing or having reasonable cause to believe that Martin Edgar Garza Pacheco intended to use, carry, possess or sell or otherwise dispose of the

firearm in furtherance of a felony by unlawfully transporting said firearm into Mexico, in violation of Title 18, United States Code, Section 932(b)(2).

COUNT FOUR

[18 U.S.C. § 922(a)(6) and 924(a)(2)]

On or about March 10, 2023, in the Western District of Texas, Defendant,

[REDACTED]

in connection with the acquisition of a firearm, a Glock Model 44 .22 caliber handgun (S/N: AHCUI00), from Academy Sports + Outdoors #47, a licensed dealer of firearms in San Antonio, Bexar County, Texas, within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Academy Sports + Outdoors #47 which statement was intended and likely to deceive Academy Sports + Outdoors #47, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under chapter 44 of Title 18, in that the defendant certified on ATF Form 4473 that he was the actual transferee/buyer of the firearm listed on the form, knowing that the listed firearm was purchased to transfer to others known and unknown to the defendant; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT FIVE

[18 U.S.C. § 922(a)(6) and 924(a)(2)]

On or about April 14, 2023, in the Western District of Texas, Defendant,

[REDACTED]

in connection with the acquisition of a firearm, a Smith & Wesson M&P Shield EZ (S/N: NLZ1851), from Academy Sports + Outdoors #39, a licensed dealer of firearms in San Antonio, Bexar County, Texas, within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Academy Sports + Outdoors #39., which statement

was intended and likely to deceive Academy Sports + Outdoors #39, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under chapter 44 of Title 18, in that the defendant certified on ATF Form 4473 that he was the actual transferee/buyer of the firearm listed on the form, knowing that the listed firearm was purchased to transfer to others known and unknown to the defendant; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See FED. R. CRIM. P. 32.2]

I.
Firearms Violation and Forfeiture Statutes
[Title 18 U.S.C. §§ 922(a)(6), 932, & 933,
subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1),
made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the foregoing criminal violations set forth in Counts One and Three to Five, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of property, including any items listed below, upon conviction and as a part of sentence pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture pursuant to Title 28 U.S.C. § 2461(c), which states the following:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (a)(6) . . . of section 922 . . . or knowing violation of section . . . 932, 933 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter

II.
Money Judgment

Money Judgment: A sum of money equal to the value of the property involved in the firearms violations and the value of the merchandise exported from the United States in the smuggling violations that was not recovered by the government and for which each Defendant is liable

III.
Substitute Property

If any property involved in the firearms and smuggling violations, as a result of any act or omission of the Defendants—

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States to seek the forfeiture of any other property of each Defendant, up to the value of each money judgment, as substitute property pursuant to Title 21 U.S.C. § 853(p) and FED. R. CRIM. P. 32.2(e).

A TRUE BILL.

FOREPERSON

JAIME ESPARZA
United States Attorney

By: _____

ALEXANDER BROWN

Assistant United States Attorney